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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,183	08/29/2005	Jeremy Bowman	09294-021US1	3481

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EXAMINER	
HOOK, JAMES F	

ART UNIT	PAPER NUMBER
3754	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/525,183	BOWMAN, JEREMY	
	Examiner	Art Unit	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,11-15,17,18 and 20* is/are pending in the application.

4a) Of the above claim(s) *17,18 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 11-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvenkyla (GB'138 and GB'137). In view of Suzuki and the teachings of Dries. The references to Jarvenkyla disclose an inner core layer formed of polyethylene, an outer skin layer of a polypropylene copolymer, and an adhesive layer to connect the two such that the skin layer can be removed cleanly and completely from the core tube layer. The references to Jarvenkyla disclose all of the recited structure with the exception of the specific amount of adhesion and thickness of the inner bonding layer, however, such are considered to be merely choices of mechanical expedients where one skilled in the art would only require routine experimentation to arrive at optimum values. It would have been obvious to modify the inner bonding layer of Jarvenkyla (GB 137 and GB 138) to be formed of any thickness and amount of bonding strength as such are merely choices of mechanical expedients where one skilled in the art would

only require routine experimentation to arrive at optimum values to improve the adhesion and holding of the bonding layer to prevent failure of such.

The references to Jarvenkyla disclose all of the recited structure with the exception of using propylene that is a block copolymer and a random copolymer for the propylene used for the skin layer and adhesive layer respectively. The reference to Suzuki discloses that it is old and well known in the art to form propylene layers of a skin layer of a pipe of propylene that can be block copolymers and adhesive layers to adhere them formed from random copolymers thereby teaching a known equivalent material form of polypropylene known to be used for such coating systems. It would have been obvious to one skilled in the art to modify the skin layer of Jarvenkyla (GB 137 and GB 138) to be formed of any known equivalent form of polypropylene including block copolymers and random copolymers as such are known forms of polypropylene that are equivalent and used in coating skin systems as suggested by Suzuki where such are known equivalent materials used for the same type of layer in the art and would provide different amounts of adhering features to meet the needs of the user when the amount of adhering is important. The reference to Dries discloses that it is old and well known in the art that when polyethylenes are used as a base layer and coating layers are provided that are intended to be peeled, that polypropylene random copolymers can be used to achieve a peelable skin layer thereby teaching that random copolymers are in fact peelable adhesives, especially when used on cores of polyethylene. Therefore, Dries provides support and teaching that these types of

coating systems using polypropylene random copolymers for adhesives can in fact be used as a peelable adhesive for a skin layer provided on a core of polyethylene.

Response to Arguments

Applicant's arguments filed May 12, 2010 have been fully considered but they are not persuasive. With regards to the Jarvenkyla references, when such state that the skin is completely removed upon peeling of the outer skin, it inherently must mean that the adhesive layer as well as the skin layer should be able to be cleanly removed and the only way that can happen in one removal step is if the adhesive layer sticks more to the outer layer than it does to the inner layer, otherwise the adhesive would be more inclined to remain on the tube and thereby not provide a clean removal as required by Jarvenkyla. With respect to the argument that Suzuki is directed to metal pipe coatings and would not work on plastic pipes, this persuasive because there is no proof provided that this would be the case. As evidence that these types of coating systems can be used on plastic as well as metal pipes, applicant is directed to Jeruzal which teaches the core can be formed of polyethylene or metal or other materials, and still utilize polypropylene layers that include block and random compolymers. With respect to the fact that Suzuki isn't teaching a layer that can be peeled, see the rejection above which uses Dries to teach that in fact this is known in the art to peel layers using the adhesive used in Suzuki. With regards to the argument that these adhesives such as are provided in Suzuki are for metal only see the teachings of Jeruzal, or even Dries which teaches a similar material used to connect to a polyethylene core tube.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Kong (457 and 458), Wilkie, Harget, and Schreck disclosing state of the art peelable films.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH